

**FUNERAL DIRECTORS EXAMINING BOARD MEETING  
MINUTES  
FEBRUARY 3, 2009**

**PRESENT:** Rosalie Murphy, Connie Ryan, J. C. Frazier, David Olsen, Pat Thornton, and Michele Moore

**STAFF PRESENT:** Yolanda McGowan, Bureau Director; Michael Berndt, Legal Counsel; Nicole Goodman, Bureau Assistant; other Department staff were present during portions of meeting

**GUESTS:** Christopher Blythe, D.O.J.

**CALL TO ORDER**

David Olsen, Chair, called the meeting to order at 9:37 a.m. A quorum of six members was present.

*Amendments to Agenda*

- Closed Session: Add under “Consulting with Legal Counsel” “Henke-Clarson Funeral Service, LLC, Henke-Clarson Funeral Home, Cassandra M. Clarson and Roger J. Henke v. Celia Jackson, individually and as Secretary of the Wisconsin Department of Regulation and Licensing, et al. (Rock County Circuit Court, Case No. 07CV1263, Judge James E. Welker)”

**AGENDA**

**MOTION:** Connie Ryan moved, seconded by J.C. Frazier, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES (NOVEMBER 11, 2008)**

**MOTION:** Rosalie Murphy moved, seconded by Michele Moore, to approve the minutes of November 11, 2008 as written. Motion carried unanimously.

The Board members introduced themselves to Michael Berndt, Legal Counsel, and gave a brief history of their background.

**ELECTION OF OFFICERS FOR 2009**

**MOTION:** David Olsen moved, seconded by J.C. Frazier, to nominate Connie Ryan as Chair. Motion carried unanimously.

**MOTION:** Connie Ryan moved, seconded by Rosalie Murphy, to nominate David Olsen as Vice Chair. Motion carried unanimously.

**MOTION:** J.C. Frazier moved, seconded by David Olsen, to nominate Rosalie Murphy as Secretary. Motion carried unanimously.

**APPOINT BOARD'S REPRESENTATIVES FOR SCREENING PANEL BY BOARD CHAIR**

Connie Ryan, Chair, appointed David Olsen, Rosalie Murphy and himself to the Screening Panel.

**ADMINISTRATIVE REPORT  
YOLANDA MCGOWAN, BUREAU DIRECTOR**

**2009 Meeting and Screening Dates**

The Board was provided a copy of the 2009 meeting and screening dates.

**Annual Policy Review**

Yolanda McGowan reviewed the Department's annual policies with the Board.

**Update on Evaluations**

Yolanda McGowan requested that the each Committee member fill out a Board Member Feedback Survey. The Chair will provide a report at the beginning of the next meeting on the results of the survey. She also informed the Board that the Department plans to implement an electronic survey by the end of 2009. It will allow a broader evaluation of all services provided by the Department.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES**

Noted.

**PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT**

No presentation was given on the following Stipulations:

1. Dale R. Holzhuter 07 FDR 013
2. David J. Betts, Russell Skindingsrude, and Skindingsrude, Inc. 07 FDR 021 and 08 FDR 004

**LEGISLATIVE/ADMINISTRATIVE RULES**

None.

## **EDUCATION AND EXAMINATION**

### **Update Relating to the System Used by the Insurance Commission to Track Licensees Continuing Education**

Yolanda McGowan relayed information from Judy Mender on this topic. The system used by the insurance commission requires that the Department and all approved vendors utilize the same software program.

## **ENFORCEMENT**

### **Discussion Regarding CE Audit of Funeral Directors With Open Cases**

Yolanda McGowan notified the Board that due to a vacancy in the Department of Education and Examination, CE audits will be discontinued until the position is filled. She reminded the Board of the Department's standard policy that CE audits would not be conducted on open cases as a matter of course.

## **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

None.

## **PRACTICE ISSUES**

None.

## **BOARD MEMBER ACTIVITY**

The Board members gave brief reports on their activities since the last meeting.

## **PUBLIC COMMENTS**

None.

## **CLOSED SESSION**

**MOTION:** Michele Moore moved, seconded by J.C. Frazier, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats. Roll Call Vote: Rosalie Murphy-yes; Connie Ryan-yes; J.C. Frazier-yes; David Olsen-yes; Pat Thornton-yes; Michele Moore-yes. Motion carried unanimously.

Open Session recessed at 10:10 a.m.

**RECONVENE TO OPEN SESSION**

**MOTION** J.C. Frazier moved, seconded by Michele Moore, to reconvene into Open Session at 12:07 p.m. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION,  
IF VOTING IS APPROPRIATE**

**CASE CLOSINGS**

**06 FDR 019**

**MOTION:** J.C. Frazier moved, seconded by Michele Moore, to close case **06 FDR 019** for insufficient evidence as recommended by the Division of Enforcement. Motion carried unanimously.

**08 FDR 005**

**MOTION:** Michele Moore moved, seconded by J.C. Frazier, to close case **08 FDR 005** for insufficient evidence as recommended by the Division of Enforcement. Motion carried unanimously.

**STIPULATION**

**DALE R. HOLZHUTER 07 FDR 013**

**MOTION:** J.C. Frazier moved, seconded by Pat Thornton, to accept the Stipulations, Findings of Facts, Conclusions of Law and Orders in the matter concerning **Dale R. Holzhuter 07 FDR 013**. Motion carried. Connie Ryan—Opposed.

**DAVID J. BETTS, RUSSELL SKINDINGSRUDE, AND SKINDINGSRUDE, AND INC.  
07 FDR 021 AND 08 FDR 004**

**MOTION:** Michele Moore moved, seconded by Rosalie Murphy, to accept the Stipulations, Findings of Facts, Conclusions of Law and Orders in the matter concerning **David J. Betts, Russell Skindingsrude, and Skindingsrude, and Inc. 07 FDR 021 and 08 FDR 004**. Motion carried. David Olsen—Abstained.

**CONSULTING WITH LEGAL COUNSEL**

**Henke-Clarson Funeral Service, LLC, Henke-Clarson Funeral Home, Cassandra M. Clarson and Roger J. Henke v. Celia Jackson, individually and as Secretary of the Wisconsin Department of Regulation and Licensing, et al. (Rock County Circuit Court, Case No. 07CV1263, Judge James E. Welker)**

The Board consulted with Assistant Attorney General Chris Blythe regarding this case.

**MOTION:** Pat Thornton moved, seconded by Connie Ryan, to move forward with the **Henke-Clarson Funeral Service, LLC, Henke-Clarson Funeral Home, Cassandra M. Clarson and Roger J. Henke v. Celia Jackson, individually and as Secretary of the Wisconsin Department of Regulation and Licensing, et al. (Rock County Circuit Court, Case No. 07CV1263, Judge James E. Welker)** appeal by the Department of Justice. Motion carried.

The Board thanked Claudia Marin-Berry, Attorney, for her time spent with the Board and wished her luck with her retirement.

### **ADJOURNMENT**

**MOTION:** David Olsen moved, seconded by Connie Ryan, to adjourn the meeting at 12:36 p.m. Motion carried unanimously.